

AMENDED IN ASSEMBLY APRIL 17, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 739

Introduced by Assembly Member Laird

February 22, 2007

An act to add Sections 5096.827.2 and 75050.2 to the *Public Resources Code*, and to add Section 13383.7 to the *Water Code*, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 739, as amended, Laird. Stormwater discharge.

Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements for the discharge of stormwater in accordance with the national pollutant discharge elimination system (NPDES) permit program established by the federal Clean Water Act and the Porter-Cologne Water Quality Control Act (*state act*).

The Safe Drinking Water, Water Quality and Supply, Flood Control, River, and Coastal Protection Bond Act of 2006 (initiative bond act) authorizes the issuance of bonds in the amount of \$5,388,000,000. The Disaster Preparedness and Flood Prevention Bond Act of 2006 authorizes the issuance of bonds in the amount of \$4,090,000,000 for the purposes of financing a disaster preparedness and flood prevention program.

This bill would require the state board and the Department of Water Resources to establish a coordinated approach to ensure the allocation of funds on behalf of stormwater management programs that are financed pursuant to those bond laws address the highest priority needs throughout the state. The bill would require the state board to expend

certain funds made available by the initiative bond law for a stormwater contamination prevention and reduction program to achieve specified purposes. The state board would be required to develop a comprehensive framework for ~~assessing~~ evaluating the effectiveness, as measured by receiving water quality, of municipal stormwater management programs undertaken in accordance with ~~those laws~~ the NPDES permit program and the state act. The bill would require the state board and the regional boards to include requirements for evaluating and reporting on program effectiveness in municipal stormwater permits.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. The Legislature finds and declares all of the*
2 *following:*
- 3 *(a) The federal Clean Water Act requires the regulation of*
4 *stormwater discharges under the national pollutant discharge*
5 *elimination system (NPDES) permit program. The State Water*
6 *Resources Control Board and the California regional water quality*
7 *control boards have been designated by the United States*
8 *Environmental Protection Agency to implement the NPDES*
9 *stormwater program.*
- 10 *(b) The Clean Water Act requires permits for discharges from*
11 *municipal storm sewers to include requirements to effectively*
12 *prohibit nonstormwater discharges into the storm sewers and to*
13 *require controls to reduce the discharge of pollutants to the*
14 *maximum extent practicable, including by means of management*
15 *practices, control techniques and systems, design and engineering*
16 *methods, and other provisions determined to be appropriate for*
17 *the control of pollutants.*
- 18 *(c) Stormwater discharges are generated by runoff from land*
19 *and impervious areas such as paved streets, parking lots, and*
20 *building rooftops during both dry and wet months. Stormwater*
21 *discharges often contain pollutants in quantities that could*
22 *adversely affect water quality.*
- 23 *(d) The State Water Resources Control Board has found that*
24 *urban runoff is a leading cause of pollution throughout California.*
25 *The United States Environmental Protection Agency considers*

1 *urban stormwater pollution a serious source of pollution in the*
2 *waters of the United States.*

3 *(e) The State Water Resources Control Board has determined*
4 *that the use of low-impact development has become a proven*
5 *approach in certain parts of the country and is viewed in California*
6 *as an alternative to conventional stormwater management.*
7 *Effective stormwater management practices, including low-impact*
8 *development and the use of “green” techniques, that incorporate*
9 *features such as permeable surfaces and retention of the natural*
10 *hydrologic character of a development site should be promoted.*

11 *(f) The State Water Resources Control Board should provide*
12 *state oversight regarding stormwater management, including*
13 *guidance, priorities, policy direction, technical assistance,*
14 *evaluation of program effectiveness, and funding to support*
15 *effective stormwater management.*

16 *SEC. 2. Section 5096.827.2 is added to the Public Resources*
17 *Code, to read:*

18 *5096.827.2. The State Water Resources Control Board and the*
19 *department shall establish a coordinated approach to ensure the*
20 *allocation of funds on behalf of stormwater management programs*
21 *that are financed pursuant to all of the following laws address the*
22 *highest priority needs throughout the state:*

23 *(a) Section 5096.827.*

24 *(b) Subdivision (a) of Section 75026.*

25 *(c) Subdivision (m) of Section 75050.*

26 *(d) Subdivision (a) of Section 75060.*

27 *SEC. 3. Section 75050.2 is added to the Public Resources Code,*
28 *to read:*

29 *75050.2. (a) Funds made available pursuant to subdivision*
30 *(m) of Section 75050 shall be expended for projects to achieve any*
31 *of the following purposes in accordance with the requirements of*
32 *that subdivision:*

33 *(1) Assessing project effectiveness, including monitoring*
34 *receiving water quality, determining pollutant load reductions,*
35 *and assessing improvements in stormwater discharge water quality.*

36 *(2) Complying with total maximum daily load requirements*
37 *established pursuant to Section 303(d) of the Clean Water Act (33*
38 *U.S.C. Sec. 1313(d)) and this division where pollutant loads have*
39 *been allocated to stormwater, including, but not limited to, copper,*
40 *mercury, and trash pollutants.*

1 (3) *Implementing low-impact development and other onsite*
2 *practices that maintain predevelopment hydrology for new*
3 *development and redevelopment projects. Projects funded pursuant*
4 *to this paragraph shall be designed to infiltrate, filter, store,*
5 *evaporate, or retain runoff in close proximity to the source of*
6 *water.*

7 (4) *Treating and recycling stormwater discharge.*

8 (5) *Implementing best management practices required by*
9 *municipal stormwater permits issued by a California regional*
10 *water quality control board.*

11 (b) (1) *For the purpose of implementing subdivision (a), the*
12 *board shall give preference to a project that supports sustained,*
13 *long-term water quality improvements.*

14 (2) *The allocation of funds pursuant to this section shall be*
15 *consistent with water quality control plans and Section 75072.*

16 SEC. 4. *Section 13383.7 is added to the Water Code, to read:*

17 13383.7. (a) *The state board shall develop a comprehensive*
18 *framework for evaluating the effectiveness of municipal stormwater*
19 *management programs undertaken in accordance with Section*
20 *402(p) of the Clean Water Act (33 U.S.C. Sec. 1342(p)) and this*
21 *division.*

22 (b) *For the purpose of implementing subdivision (a), the state*
23 *board shall promote the use of quantifiable measures for evaluating*
24 *the effectiveness of stormwater programs. The state board shall*
25 *establish criteria for measuring the effectiveness of these programs,*
26 *including, but not limited to, the following:*

27 (1) *Compliance with stormwater permitting requirements,*
28 *including all of the following:*

29 (A) *Inspection programs.*

30 (B) *Construction controls.*

31 (C) *Elimination of unlawful discharges.*

32 (D) *Public education programs.*

33 (E) *Adopting and enforcing design standards for new*
34 *development and redevelopment.*

35 (2) *Reduction of pollutant loads from pollution sources.*

36 (3) *Reduction of pollutants in stormwater discharge.*

37 (4) *Improvements in the quality of receiving water in accordance*
38 *with water quality standards.*

39 (c) *Consistent with the framework adopted by the state board,*
40 *the state board and the regional boards shall include requirements*

1 *for evaluating and reporting on program effectiveness in municipal*
2 *stormwater permits issued in accordance with Section 402 (p) of*
3 *the Clean Water Act (33 U.S.C. Sec. 1342 (p)) and this division.*

4 ~~SECTION 1. The Legislature finds and declares all of the~~
5 ~~following:~~

6 ~~(a) It is the intent of the Legislature to ensure that any grants~~
7 ~~made for the reduction and prevention of stormwater contamination~~
8 ~~of rivers, lakes, and streams from proceeds of the Safe Drinking~~
9 ~~Water, Water Quality and Supply, Flood Control, River and Coastal~~
10 ~~Protection Bond Act of 2006 (Division 43 (commencing with~~
11 ~~Section 75001) of the Public Resources Code) be consistent with~~
12 ~~the state priorities for stormwater pollution prevention.~~

13 ~~(b) The federal Clean Water Act requires the regulation of~~
14 ~~stormwater discharges under the national pollutant discharge~~
15 ~~elimination system (NPDES) permit program. The State Water~~
16 ~~Resources Control Board and the California regional water quality~~
17 ~~control boards have been designated by the United States~~
18 ~~Environmental Protection Agency to implement the NPDES~~
19 ~~stormwater program.~~

20 ~~(c) Stormwater discharges are generated by runoff from land~~
21 ~~and impervious areas such as paved streets, parking lots, and~~
22 ~~building rooftops during rainfall and snow events that often contain~~
23 ~~pollutants in quantities that could adversely affect water quality.~~

24 ~~(d) The United States Environmental Protection Agency~~
25 ~~considers urban stormwater pollution a serious source of~~
26 ~~contamination in the nation's waters. Most of this state's population~~
27 ~~lives in urban and coastal areas where the water resources are~~
28 ~~highly vulnerable and can be severely degraded by urban runoff~~
29 ~~if it is not managed. Developing a comprehensive institutional~~
30 ~~framework to link all levels of government can facilitate better~~
31 ~~stormwater management.~~

32 ~~(e) The State Water Resources Control Board should provide~~
33 ~~state oversight for stormwater management, including guidance,~~
34 ~~priorities, technical assistance, evaluation of program effectiveness,~~
35 ~~and funding that supports effective stormwater management.~~

36 ~~(f) New stormwater management practices, including low-impact~~
37 ~~development and green techniques, should be promoted that~~
38 ~~incorporate features such as permeable surfaces and retention of~~
39 ~~the natural hydrologic character of a development site.~~

1 ~~(g) Therefore, it is the intent of the Legislature to enact~~
2 ~~legislation to describe the priorities and criteria for the award of~~
3 ~~stormwater grants authorized under the Safe Drinking Water, Water~~
4 ~~Quality and Supply, Flood Control, River and Coastal Protection~~
5 ~~Bond Act of 2006.~~

6 ~~SEC. 2. Section 13383.7 is added to the Water Code, to read:~~

7 ~~13383.7. The state board shall develop a comprehensive~~
8 ~~framework for assessing the effectiveness, as measured by~~
9 ~~receiving water quality, of stormwater management programs~~
10 ~~undertaken in accordance with Section 1342(p) of Title 33 of the~~
11 ~~United States Code. Consistent with the framework adopted by~~
12 ~~the state board, the state board and the regional boards shall include~~
13 ~~requirements for evaluating and reporting on program effectiveness~~
14 ~~in stormwater permits issued in accordance with Section 1342(p)~~
15 ~~of Title 33 of the United States Code and this division.~~